

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE, U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

AUG 23 2005

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

JAMES BOYD,  
Plaintiff,  
v.  
SHIELDS BROOKE,  
Defendant.

) Civil Action No. 7:05CV00511  
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**MEMORANDUM OPINION  
AND FINAL ORDER**

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By: Samuel G. Wilson  
United States District Judge

Plaintiff James Boyd, a Virginia prisoner proceeding pro se, brings this action for damages pursuant to 42 U.S.C. § 1983. This court has dismissed three previous actions filed by Boyd pursuant to 28 U.S.C. § 1915A(b)(1).<sup>1</sup> Therefore, Boyd may not proceed with this action until he either pays the \$250.00 filing fee or shows that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). Although Boyd states in his complaint that he is willing to pay the filing fee, Boyd has neither prepaid the filing fee nor demonstrated that he is “under imminent danger of serious physical injury.” Accordingly, it is hereby **ORDERED** and **ADJUDGED** that Boyd’s complaint is **FILED and DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(g).<sup>2</sup> This action is stricken from the active docket of the court.

The Clerk is directed to send a certified copy of this order to the plaintiff.

ENTER: This 23<sup>rd</sup> day of August, 2005.

*[Signature]*  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> See Boyd v. Simpson, Civil Action No. 7:02cv00646 (W.D. Va. May 13, 2002); Boyd v. None Named, Civil Action No. 7:02cv00598 (W.D. Va. April 24, 2002); Boyd v. Olson, Civil Action No. 7:02cv00074 (W.D. Va. Jan. 24, 2002).

<sup>2</sup> The court has previously notified Boyd that he may not file civil actions in this court unless he either pays the filing fee or demonstrates that he is under imminent danger of serious physical injury. Therefore, the court will not give Boyd additional time to pay the filing fee or amend his complaint.